

FOURTH BIENNIAL REPORT

OF THE

Bureau of Child and Animal  
Protection

State of Montana

1909-1910

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To Honorable Edwin L. Norris,

Governor of the State of Montana.

Sir:—

Complying with the provisions of the statutes, I have the honor of submitting herewith the report of the State Bureau of Child and Animal Protection for the two years ending December 31st, 1910.

Respectfully,

J. M. KENNEDY,

Secretary State Bureau of Child and Animal Protection.

## The Bureau.

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Gratifying in the extreme, to the officers of the State Bureau of Child and Animal Protection, is the record of the work performed during the last two years, as disclosed by the figures transmitted herewith. The volume of business transacted reaches an astounding total, and stands in eloquent evidence of the fact that this Department of the State Government is experiencing a wonderfully rapid growth in importance and usefulness. The work of the Bureau has been performed often under the most discouraging circumstances and conditions; the funds available for the expenses of the Department have been ridiculously meager; in instances our work has been hampered and even nullified by crass ignorance, stupidity or malevolence encountered in high public office. A large number of good citizens remain utterly indifferent or deplorably ignorant of the aims and achievements of this bureau. Often wilful misrepresentation of the actions of the officers of the Department, is resorted to in order to discredit the work or destroy the officer's influence and efficiency; frequently we are compelled to measure official swords with men of low impulses and shady purposes, who have crept, for the time being, into important public office.

But for all our tribulations we have found a just mede of compensation. The great work of caring for the unfortunate and oppressed of the state has gone steadily forward; the power, and popularity and influence of the department have experienced a marvellous expansion; our work has elicited the hearty commendation of the Governor, and has brought forth innumerable kindly and generous expressions of approval from many of the most influential citizens of the state.

On behalf of myself and the other employees of this office I desire to extend to you assurance of our appreciation of the support and encouragement and invaluable assistance which you have, upon innumerable occasions, extended to the officers of this department. The knowledge that we possess the Governor's cordial sympathy and support is always an

inspiration and a comfort.

Attorney General Albert J. Galen and his deputies have been at pains to demonstrate their good will towards this Department and its work. General Galen has been generous to us with his counsel and unfailing in his support of our labors.

No attempt will be made here to give a detailed account of the work of the department since my last biennial report was submitted to you. Only a glossary will be here set down. The records in the office of the Bureau must be consulted for the complete story. In order that some idea of the vast extent and infinite importance to the state, of the work annually performed by this Bureau might be obtained by the law-making body of this commonwealth, I most respectfully suggest that the Committee of the Legislature on State Boards and Officers make an examination into the work and conditions of this office.

#### **The Forest Fires.**

It fell to the lot of the officers of this Bureau to take a somewhat active and important part in aiding many sufferers from forest fires during the summer and fall of the year just ended. Several families comprising a number of small and helpless children, were rescued from perilous positions, and a large number of women and children who fled before the flames were aided by the officers of this Department.

#### **As to Some New Settlers.**

The great and unprecedented rush last summer, of home-seekers into certain sections of the state, more particularly into what is known as the "dry-land" regions, has presented a problem not easy of solution. Most of these new arrivals came into the state prepared to face any of the vicissitudes and misfortunes that might be expected to confront the pioneer home-maker. But a few came absolutely without means and they found themselves, upon the approach of cold weather, utterly unprepared to face the rigors of winter. Anticipating that much suffering might be occasioned among the new settlers in some of the sections of the state indicated, should the present winter prove a hard one, the officers of this Bureau, early in the Fall, made a pretty thorough canvass of the dry land regions, interviewed the home steads, and issued warn-

ings concerning the dangers to be anticipated. The County Commissioners and other authorities in the counties affected, co-operated most loyally with the officers of this Department in handling this important work and the results thus far have been of the most gratifying kind. An appeal was made by me to the management of some of the railroads traversing the regions affected, to give the needy settlers employment. This request was promptly heeded; oriental laborers were discharged and white men were given their places. By reason of the fact that the winter has been extraordinarily mild up to the time of the filing of this report, there has been comparatively little suffering, as yet, among the new comers. But there is no use in attempting to disguise the fact that much suffering may be expected to follow extreme cold weather. In spite of all the warnings and advice administered to many of these new settlers, scores of them entered the winter miserably prepared to meet the cold. The almost complete failure of the crops last year in certain sections, combined with the lack of knowledge, and indifference, and shiftlessness of some of the homesteaders have conspired to present a situation that is ominous and may yet become serious.

#### **Dependents Deported.**

During the two years just ended sixty one dependent or delinquent children have been sent out of the State of Montana by action of this Department and thus the tax-payers have been relieved of the burden of their care and maintenance.

#### **Stock Shipments.**

The methods employed in the shipment and transportation of live stock have undergone a wonderful change for the better in recent years. The stock raiser has discovered that it does not pay him to crowd as many head of stock into a car as can be prodded into it and then let them take pot luck in transit. The railroads are giving closer attention to the requirement of the law governing the transportation of live-stock. It is undoubtedly true that technical violations of the law in this regard are of almost daily occurrence during the seasons when live stock is being moved, and yet convictions are not easily obtained. About the only evidence ever obtainable against a railroad company in these cases is that fur-

nished by the owner of the stock or his agents, and too often these men connive with the railroads and condone the offenses against the law. In order to enforce the provisions of the laws governing the transportation of live stock, authority should be given the officers of this Department to board any railroad train carrying live stock and to accompany such train to any point in the state.

### **Laws That Are Needed.**

I respectfully recommend that a law be enacted making bastardy an offense punishable by fine or imprisonment, or both. In a neighboring town, within three months, the officers of this Department have been called upon to take charge of four babies born out of wed-lock. These children are now dependent upon the state; their mothers are disgraced while their fathers are immune from punishment because the offenses were not committed under promise of marriage. The just process is to compel the fathers of such children to provide for them or suffer prosecution under a criminal statute.

The records of this office show that hundreds of men desert their wives and families in this state annually. This is an appalling condition of affairs and one that demands earnest and immediate attention. Many of these recreants leave Montana and go to other states and territories where they cannot be reached by our laws. Sick wives have been heartlessly left without money, shelter or medicines. Broods of little children have been left to suffer for want of clothing and nourishment while the rascals who are responsible for these little lives have gone off into other lands to continue their criminal careers unmolested. They can't be brought back and punished; they can't be followed into their new homes by Montana officers and made to assume any of the responsibilities of husband and father. If a man steals a calf from the public range in Montana the law will follow him relentlessly to the uttermost corners of America and send him to the penitentiary. But the scoundrel who wins a good woman's love, ruins her life, breaks her heart and leaves her in a hovel with a brood of starving children at her knee, can't be touched after he crosses the state line, and yet such a man is a greater enemy of society, a greater menace to the state than the horsethief or the forger. His offenses are more far-reaching,



more inhuman and more subversive of society than the acts of the felon who offends against the rights of property only. The law should be amended so that the man who wilfully deserts his family and leaves them to suffer in poverty in Montana may be brought back and adequately punished. In order to make such a law effective it would be necessary to abrogate the provision of the statute which forbids the wife testifying against the husband charged with felony.

The cheap public dance hall has become a public menace and nuisance. The public dance hall is the brazen, big sister of the wine room; its baneful influence is even more far reaching and destructive. Montana needs a law that will prohibit very young girls attending public dances unaccompanied by their parents or guardians. While the cities have the power, under the statutes to prohibit cheap dance halls that are a public danger or nuisance, it has been found almost impossible to secure the passage and approval of such ordinances in many communities. The dance hall should be treated by state statute just as the wine room was treated.

### **Inferior Courts.**

In some of the cities of the state, demand has arisen for the establishment of Juvenile Courts. There is great need of such an institution to-day in the city of Butte particularly. In every state in the Union, legislation is being enacted, or sought, looking towards a betterment of the moral, physical and mental condition of the child. Social workers everywhere are seeking the abolition of the antiquated punitive methods of dealing with poverty and delinquency. The enlightened policy is to seek out destitution and prevent it, in its incipient stages, instead of allowing the disease of destitution to gain such ground that the patient becomes a hopeless pauper and constant public charge. In the best governed American cities to-day, juvenile courts, and probation bureaus are conspicuous and very valuable adjuncts of the machinery of the law. A juvenile court properly officered and conducted, could do incalculable good in a city like Butte; much depends upon the character and intelligence of the man called upon to preside over such a Court. The inferior courts are the tribunals of the people. It is in these courts that most of the questions affecting the poor and delinquent are adjudicated. A mis-

take made in a District Court is likely to be corrected by the Supreme Court, but a mistake made in the inferior courts is very likely to remain a mistake. The poor defendant is generally in no position to perfect and prosecute an appeal from a judgment in a police court. Therefore the necessity is at once apparent for wisdom and caution on the part of the public in selecting the men to administer the law through our courts not of record. Under the Montana system of jurisprudence the inferior courts finally adjudicate nearly all the cases arising out of petty, or minor offenses against the law. The justice court is essentially the poor man's tribunal. Hence, it follows that the ignorant, the stupid, or the thoughtless magistrate is often the most serious stumbling block encountered by the social worker. In many instances these petty officials have become a real menace to the public welfare by clinging blindly to the antiquated and long-since discredited practice of imposing a fine or imprisonment upon every small offender whose guilt is shown. The barbarous system of arresting and fining or imprisoning men guilty of intoxication, daily finds exemplification in the police and justice courts of Montana. Long since thinking men came to recognize this practice as a dangerous, extravagant and futile method of dealing with the unfortunate victims of alcohol or drugs. Not infrequently it happens that the magistrate recognizes the injustice and folly of imprisoning or imposing a fine in such cases, but he finds himself face to face with the stern fact that the Mayor and members of the City Council expect and demand of him that he assess and collect every dollar possible because "the city treasury needs the money." Too often that police judge is considered to have made the best record who turned into the public treasury the most money collected in fines. This begets an infamous condition of things, and outrageous injustice follows, bearing the tag of the law.

#### **More Money is Needed.**

There is a great need of a complete set of bound record books for this office. We need books wherein may be entered all the important facts relating to the wards of this Department. At present the records consist of written reports made monthly by officers of the Bureau, and correspondence concern-

ing the cases. We ask for authority to purchase a suitable set of record books bound and printed. Out of the very meager appropriation of Two Hundred Dollars per month which has been heretofore made for the maintenance of this Department we have been called upon to pay all the travelling expenses of five officers of the Bureau as well as to pay for all of the supplies of the office. Railroad transportation, sleeping car fare, livery hire, telegrams, telephone messages, hotel bills, printing, office supplies, postage, and the thousand and one expenditures incident to the business of the Department have all been paid out of our appropriation of Two Hundred Dollars per month. It requires no argument to show that such a sum is utterly insufficient for those purposes. Even with only the present force employed the appropriation for expenses should, at least, be doubled. We need Five Hundred Dollars per month to do the work which we are called upon to perform, if it is to be done promptly, efficiently and satisfactorily. When an urgent message is received from a distant section of the state asking that an officer of the Department be sent there at once, it is painful to be compelled to answer that the case must wait until an officer of the Bureau makes his regular trip into that part of the state, in order to avoid the expense of a special trip. Our inability to promptly and efficiently attend to all the important cases that are called to our attention, has frequently subjected the Bureau to natural, but unjust criticism. Daily appeals are reaching this office from various parts of Montana for the services of an officer of this Department but many of these appeals remain unheeded because our appropriation is exhausted and no more money will be available for expenses until next March.

### **The Financial Side of It.**

Many people appear to be of the opinion that no direct financial returns accrue to the public treasury as a result of the work of this Bureau. The general public seems disposed to regard the expenditures of this Department as a direct, but necessary, charge against social conditions. In their view it is money set aside for humane purposes without recourse. This is a reasonable error. But in point of fact much more money is paid into the public treasuries of the various counties

of the state as a direct result of the work of the officers of this Bureau, than the state pays to maintain the Department. To put it in the language of dimes and dollars, we pay in annually, more than we take out. In one instance alone, the defendant in a case, instituted by this Department, paid into the county treasury the sum of Two Thousand Dollars. That is more than the tax-payers of that county will be called upon to pay for the maintenance of the State Bureau of Child and Animal Protection for five years to come. The last Legislative Assembly provided for the appointment of a deputy of this Department in the Havre district and another for Billings. I think the records will show that more money has been paid into the various municipal treasuries of those districts, as a result of fines imposed in cases instituted and prosecuted by this Department, than the state has paid to maintain the officers at those points. And in this connection it may not be improper to observe that if all the money collected under prosecutions instituted by this Department were to be set aside for the maintenance of this Department, the Bureau would find itself always in funds. Thus, if the dollar is to be the diget, the result is, surely, not all loss.

### **Good Work Well Done.**

The recent experience of Flathead county is in point. It is but the simple truth to say that this is one of the most public-spirited and progressive communities in Montana. In general the people of that county are neither better nor worse morally, than the people of other Montana municipalities. Social cankers and civic sores exist there as elsewhere. But Flathead's policy is to cure and heal her wounds, not conceal and deny them. The result has been magical. Always the local officers have co-operated, earnestly and heartily, with the officers of this Bureau. James K. Lang, a man of intelligence, unimpeachable integrity and infinite industry, was appointed Probation Officer; he was also named as a Deputy of this Bureau, without pay. A stupendous amount of work has been accomplished under this arrangement. The poor have been sought out and provided for; the crippled children of indigent parents have been furnished needed comforts; the drunkard has been black-listed and forced to provide for his family; lecherous scoundrels who prey upon the innocence of

childhood have been hunted down and punished; in the last two years there have been sent to the State Penitentiary from Flathead county, five men convicted of infamous crimes against children; innumerable convictions have been secured of persons detected selling liquor to minors; more than a score of wayward or unfortunate girls have been sent to rescue homes; prosecutions of persons accused of starving, or otherwise abusing animals have been numerous; the wife-beater, in that region now finds his favorite amusement both unprofitable and unpopular. To-day Kalispell is one of the cleanest, most attractive and progressive cities of its size in the West. This good work has been accomplished because the local press and people have stood loyally at the backs of the officers. Those who have been hit, at times, have squealed, it is true, and a few honorable and clean-minded citizens have complained of the expense to the tax-payers. But the net result has been, as disclosed by the records, that crime has been punished, suffering has been relieved, the poor have been clothed and fed, and society has been protected and benefited, while fines have been imposed on the offenders and paid into the public treasury sufficient to pay the salary and expenses of the fearless officers who did the work.

Speaking at the State Teachers' Institute recently Honorable W. E. Harmon, State Superintendent of Public Instruction gave voice to the aphorism that "Education is cheaper than ignorance." So is prevention more profitable than punishment.

### **Need of Industrial Training.**

Throughout the entire nation the movement to impart industrial education in our public schools is daily growing in public favor. The conviction appears at last, to have dawned upon the large public that the most valuable education a boy can have is a practical knowledge of how to earn his living. The ferry man who has never learned to swim is in constant danger of drowning though he be able to translate Homer with facility, and commune with Socrates in the original tongue. The boy who doesn't know the difference between ensilage and an encore, is handicapped when he turns his attention to making a livelihood upon the farm. As a very small minority of the boys and girls who annually

graduate from the public schools enter the learned professions, and since a very large majority of such children, in later years fit into the industrial life of the nation, the need for early industrial training becomes apparent. Manual training now finds an honored place in the curriculum of many of Montana's public schools. In this regard the progressive policy pursued by the State Board of Education in the management of the Reform School at Miles City, the State Institute at Boulder, and the Orphans' Home at Twin Bridges, has aroused very general public approval, and has inspired the belief that these institutions will be enabled to fill a broader field of usefulness in the future. In recent years the character of the State Reform School at Miles City has undergone a complete change for the better, and the system adopted by the present management has added vastly to the usefulness of the institution. Manual training and agriculture compel the attention of the inmates and greatly relieve the tedium and irksomeness of confinement. But always this institution will be handicapped and injured so long as it is regarded by the courts and the press and the public generally, as a reformatory, or a penal institution. It has become almost impossible to get a court to sentence a girl to the Reform School and there is a growing reluctance upon the part of public officers to commit any delinquent or even criminal minor to that institution so long as it continues to be regarded as a penal institution. Inasmuch as it really is an industrial school, controlled and conducted by the state, it would seem to be the course of wisdom to change the name of the institution and attach to it an official designation less opprobrious and more in keeping with its real character. Time and opportunity have not availed, in recent months, for the officers of this Department to make visits of inspection to all of these institutions, but we remain in close touch with the work being done and have knowledge of the most urgent requirements of each.

### **The Orphans' Home.**

At frequent intervals during the last two years I have taken occasion to call to the attention of the Governor and the members of the State Board of Examiners, the urgent necessity for additional facilities for caring for the orphans at Twin Bridges. In season and out, I have commended the

management and applauded the good work done by those in charge of the institution. I avail myself of this opportunity to reiterate that the Superintendent has rendered invaluable aid to this Department, and at the risk of offending certain good people who have been wont to regard any statement made concerning the needs of the Orphans' Home as an attack or unjust criticism, I take the liberty to again urge the great need of additional accomodations being provided at the earliest possible moment for at least one hundred additional children at the Twin Bridges Institution.

### **The Staff of the Bureau.**

The officers of this Department, in addition to the chief of the Bureau, and the stenographer, are L. K. Devlin in charge of the Havre district, H. F. Bodine in charge of the Billings district, Waller Shobe whose territory is embraced in the Missoula district and, P. J. Gilligan with head-quarters in Butte. Gladly I testify to the energetic, loyal and intelligent work performed by all of these gentlemen. They have endured many hardships in the prosecution of the work and often have been subjected to unjust criticism and unwarranted annoyance, but they have been ever faithful and industrious and have earned my lasting gratitude for the assistance they have rendered and the great work they have accomplished.

The immediate and most pressing needs of the Department are:

Accomodations for at least one hundred more children in the Orphans' Home at Twin Bridges.

An officer of this Department to be permanently stationed at Kalispell.

An appropriation of at least Five Hundred Dollars (\$500.00) per month for the expenses of the Department to pay travelling expenses, supplies, printing, etc.

A complete set of blank record books for the office of the Bureau so that a detailed and intelligible record may be permanently established, taking account of all important cases disposed of by the Bureau, and thus enabling anyone to learn in a few minutes the essential facts and final disposition of all cases.

More room for our records and some filing cabinets or shelving for the office records which are accumulating very

rapidly.

An appropriation of One Hundred Dollars per month to pay the salary of a stenographer and Clerk of the department.

Summarizing: I have the honor to recommend the establishment of a state industrial school and model farm at some central point where delinquent children may be disciplined, restrained and instructed in the useful arts and crafts.

That some steps be taken to put an end to the present extravagant, futile and profitless system of fining and imprisoning men for drunkenness. A retreat should be provided by the state where inebriety could be treated and cured and the victim of drink enabled to earn money for the support of his family during his incarceration.

Establish juvenile courts in all cities of twenty thousand population.

Abolish by Legislative enactment, the present vicious and unjust practice of imprisoning girls and women accused only of petty offenses, in cells adjacent to those occupied by confirmed criminals or male vagabonds.

Provide by law for the extradition and punishment of men who desert their families in Montana and leave them destitute.

Require all peace officers and public prosecutors to report immediately to this Bureau all criminal offenses, coming under their notice, against children or animals.

The enactment of a state law regulating or abolishing public dance halls that are found to be a menace to the morals or peace of the community.

Provide by statute for the punishment of bastardy. Montana is one of the few states in the union that does not make this very prevalent crime against society a felony.

Provide additional facilities at the State Orphans' Home for the employment and instruction of children in the science of agriculture. Give them more industrial and manual training and make instructions in domestic science a positive requirement for the girls of the school.

Change the name of the state Reform School so that it may not be regarded as a purely penal institution.

Provide by statute that women shall not be required to work in any public institution or industrial establishment



longer than eight hours a day or more than six days a week.

Enact in Montana, the Michigan statute relating to carnal abuse of children.

### Work of the Department for Two Years.

Two years ago a system of keeping written reports and records of all important cases was adopted and such records are now on file in this office. Of course hundreds of minor cases are reported to the officers of this Department of which no permanent record is kept.

Following is a tabulated statement showing the number of important cases disposed of by this department during the two years ending December 31st, 1910.

Charges of cruelty to children investigated .....	802
Prosecutions for cruelty etc., to children .....	193
Charges, cruelty to animals investigated .....	420
Prosecutions for statutory rape .....	52
Prosecutions for selling liquor to minors .....	124
Children placed in State Orphans' Home .....	141
Children placed in private institutions .....	271
Children placed in homes and adopted .....	109
Children placed in school for feeble minded .....	15
Children sent to Reform School .....	11
Girls placed in House of Good Shepherd .....	81
Prosecutions for cruelty to animals .....	304
Animals killed by order Bureau officers .....	68
Men stopped from procuring liquor under Section 541.	

Penal Code .....	311
Persons sent to Insane Asylum .....	12
Prosecutions for non-support of children .....	178
Investigations for non-support of children .....	982
Assisted poor families .....	248
Delinquent children .....	921
Delinquent or dependent children sent out of Montana..	61
Men convicted of rape and sent to the penitentiary .....	22

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Total number of important cases disposed of or investigated and prosecuted by the Department in two years ending December 31st, 1910 ..... 5345





